

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

GARY PIERCE - Chairman  
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Arizona Corporation Commission

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MAY 30 2012 ORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

*LM*

In the matter of:

DOCKET NO. S-20834A-12-0033

SOUTHWEST BIOFUELS, LLC, a Nevada limited  
liability company, and

RICK J. JIMINEZ and SUSAN C. JIMINEZ,  
husband and wife,

Respondents.

**FOURTH**  
**PROCEDURAL ORDER**  
**(Extends Date for**  
**Exchange of Documents)**

**BY THE COMMISSION:**

On January 30, 2012, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist ("T.O.") and a Notice of Opportunity for Hearing ("Notice") against Southwest Biofuels, LLC ("SWB"), a Nevada limited liability company, and Rick J. Jiminez and Susan C. Jiminez, husband and wife, (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of stock.

Respondent spouse, Susan C. Jiminez, was joined in the action for the purpose of determining the liability of the marital community pursuant to A.R.S. §44-2031(C).

The Respondents were duly served with copies of the T.O. and Notice.

On February 17, 2012, Respondents filed a request for hearing in this matter.

On February 21, 2012, by Procedural Order, a pre-hearing conference was scheduled on March 14, 2012.

On March 14, 2012, at the pre-hearing conference, the Division and Respondent, Rick J. Jiminez, appeared with counsel. The Division and Respondents were discussing the issues raised by the T.O. and Notice. The Division requested that a status conference be scheduled in approximately 30 days.

1 On March 15, 2012, by Procedural Order, a status conference was scheduled on April 26,  
2 2012.

3 On April 26, 2012, at the status conference, the Division and Respondents appeared through  
4 counsel. The Division's counsel indicated that the parties are continuing to negotiate a settlement of  
5 the proceeding, but more time will be required for a resolution of the issues raised by the Notice. The  
6 Division and Respondents agreed that a hearing should commence on July 23, 2012 if a settlement  
7 cannot be reached.

8 On April 26, 2012, by Procedural Order, a hearing was scheduled on July 23, 2012, and the  
9 exchange of documents was ordered to be completed by June 1, 2012.

10 On May 29, 2012, the Division and Respondents filed a stipulation to extend the date for the  
11 exchange of documentation from June 1, 2012, to June 22, 2012, because the parties anticipate that a  
12 settlement of the proceeding will be concluded before June 22, 2012, and submitted for Commission  
13 approval.

14 Accordingly, leave should be granted for the extension for the exchange of documentation.

15 IT IS THEREFORE ORDERED that a hearing shall be held on July 23, 2012, at 10:00 a.m.,  
16 at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona,  
17 as previously ordered.

18 IT IS FURTHER ORDERED that the parties shall also set aside July 24, 25, 26 and 27, 2012,  
19 for additional days of hearing, if necessary, as previously ordered.

20 IT IS FURTHER ORDERED that **the date for the exchange of documentation by the**  
21 **Division and Respondents to exchange copies of their Witness Lists and copies of their Exhibits**  
22 **by June 1, 2012, with courtesy copies provided to the presiding Administrative Law Judge shall be**  
23 **extended to June 22, 2012,** as stipulated by the parties.

24 IT IS FURTHER ORDERED that if the parties reach a resolution of the issues raised in the  
25 Notice prior to the hearing, the Division shall file a Motion to Vacate the proceeding.

26 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
27 Communications) is in effect and shall remain in effect until the Commission's Decision in this  
28 matter is final and non-appealable.

1 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
2 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission  
3 *pro hac vice*.

4 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance  
5 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
6 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
7 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
8 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
9 Administrative Law Judge or the Commission.

10 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,  
11 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
12 ruling at hearing.

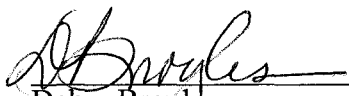
13 DATED this 30<sup>th</sup> day of May, 2012.

14  
15  
16   
17 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered  
19 this 30<sup>th</sup> day of May, 2012 to:

20 Nathaniel H. Wadsworth  
21 ROWLEY CHAPMAN BARNEY &  
22 BUNTROCK, LTD.  
63 East Main Street, Suite 501  
Mesa, AZ 85201-7436  
Attorney for Respondents

23 Matt Neubert, Director  
24 Securities Division  
25 ARIZONA CORPORATION COMMISSION  
1300 West Washington Street  
Phoenix, AZ 85007

26 By:   
27 Debra Broyles  
28 Secretary to Marc E. Stern